

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

IN RE: ROBERT P. BAINES and
DEANN M. BAINES,

Debtors.

CROSSINGHAM TRUST, STACY
CROSSINGHAM and ALLAN
CROSSINGHAM, Trustees,

Plaintiffs/Appellees,

vs.

ROBERT P. BAINES and
DEANN M. BAINES,

Defendants/Appellants.

Civil No. 06-63 RB/RHS
Adversary Pro. No.: 04-01123 M
Bankruptcy No.: 7-03-17210 MS

ORDER AND JUDGMENT

THIS MATTER comes before the Court on the Magistrate Judge's Proposed Findings and Recommended Disposition on Bankruptcy Appeal ("PFRD"), filed March 8, 2007 [**Doc. 16**]. Having considered the objections filed in response to the PFRD and having made a *de novo* determination of those portions of the PFRD objected to, the Court will overrule the objections, adopt the PFRD and affirm the decision of the Bankruptcy Court.

WHEREFORE,

IT IS HEREBY ORDERED that the Magistrate Judge's Proposed Findings and Recommended Disposition on Bankruptcy Appeal [**Doc. 16**] are adopted by the Court.

IT IS FURTHER ORDERED that the Bankruptcy Court's judgment in favor of the Crossinghams against Robert Baines on the Crossinghams' claim for non-dischargeability of debt under 11 U.S.C. § 523(a)(4) and the Bankruptcy Court's order denying summary judgment

to the Baines on the Crossinghams' claim for non-dischargeability of debt based on § 523(a)(2)(A) is affirmed.

IT IS FINALLY ORDERED, ADJUDGED AND DECREED that this civil proceeding is dismissed with prejudice.



UNITED STATES DISTRICT JUDGE